

Remarks

Claims 1-16 are pending in the present application. Reconsideration and allowance are requested in view of the above amendments and the remarks below. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application.

Claims 1-16 are rejected under 35 U.S.C. 103(a) over Nielsen (U.S. Patent No. 5,870,548 in view of Leonard et al. (U.S. Patent No. 6,721,784), hereafter “Leonard.”

The rejection under 35 U.S.C. 103(a) is defective because the references of Nielsen and Leonard, taken alone or in combination, fail to disclose each and every feature of the claims.

Regarding independent claim 1, as admitted by the Examiner, Nielsen fails to disclose, *inter alia*, “wherein the cancel mailbox of each MTA is configured to cancel the e-mail sent to the recipients only when none of the recipients has read the e-mail, and is configured to not delete the e-mail when any of said recipients has read said e-mail.” Applicants agree and submit that, in Nielsen, an email is deleted on a recipient-by-recipient basis, irrespective of the reading actions of other recipients. That is, in Nielsen, an email sent to a first recipient can be deleted even if another recipient has already read the same email. In the present invention, however, deletion of a previously

sent email is an all or nothing process, in which the previously sent email is deleted only if none of the recipients has read the email.

In order to remedy the glaring deficiencies of Nielson, the Examiner relies on the disclosure of Leonard. In particular, the Examiner alleges that Leonard “discloses as his invention an electronic mail system and method in which the originator or sendor may control the lifespan of the message, so that the message, and all copies of the messages everywhere in the world, disappear at an appropriate time [col. 9, L 10-15].” The Examiner further alleges that “Leonard discloses the added feature of the process wherein the cancel mailbox of each MTA is configured to cancel the e-mail sent to the recipients only when none of the recipients has read the email, and is configured to not delete the e-mail when any of said recipients has read said email.” Applicants disagree with the Examiner’s analysis and conclusion with regard to Leonard.

Contrary to the claimed invention, Leonard clearly requires that a message **must be read** before functions indicated by an originator of the message can be performed. For example, Leonard discloses that the “basic concept underlying this embodiment of the invention is to control viewing and handling of the electronic mail message by retaining the message on the electronic mail mail server 1 **and requiring the recipient to view the message using the viewer applet.**” (See, e.g., col. 14, lines 51+). Although Leonard also discloses a separate “oops” button (FIG. 4) for immediately

cancelling an email message, such cancellation is performed irrespective of the read status of the email message.

Accordingly, since Nielson and Leonard, taken alone or in combination, fail to disclose each and every feature of independent claim 1, Applicants respectfully submit that independent claim 1 and its corresponding dependent claims are allowable. Applicants further submit that independent claim 4 and its corresponding dependent claims are allowable for reasons similar to those set forth above with regard to independent claim 1.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Examiner's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. These features have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,  
/ John A. Merecki /

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